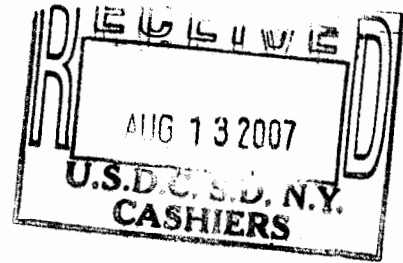


Martin F. Casey (MFC -1415)  
**CASEY & BARNETT, LLC**  
317 Madison Avenue, 21<sup>st</sup> Floor  
New York, New York 10017  
(212) 286-0225  
Attorneys for Plaintiff



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**JUDGE SWAIN**

-----X  
SOFT LINE, SPA

**07 CIV 7210**  
07 Civ.

Plaintiff,

- against -

**COMPLAINT**

M/V DIEGO, her engines, boilers, tackle, etc; and  
MEDITERRANEAN SHIPPING COMPANY, S.A.

Defendant.  
-----X

Plaintiff, by its attorneys, CASEY & BARNETT, LLC, for its Complaint, alleges upon information and belief, as follows:

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure. Jurisdiction is predicated upon 28 U.S.C. §1333.
2. Plaintiff, SOFT LINE, SPA, is a corporation with a place of business located at 4524 Tigers Den Road, Randleman, North Carolina 27317, and was the shipper and owner of certain of the cargo to be laden on board the M/V DIEGO, as more fully described below.
3. Defendant, MEDITERRANEAN SHIPPING COMPANY, S.A. (hereinafter "MSC"), is a foreign corporation with a place of business located at 420 Fifth Avenue, New York, New York 10018, was and still is doing business in this jurisdiction directly and/or through an agent and was acting at all times as a common carrier in the maritime industry.

4. At all material times, the M/V DIEGO was a diesel-powered, ocean-going vessel engaged in the common carriage of cargoes on the high seas and may be within the jurisdiction of this Honorable Court during the pendency of process hereunder.

5. Plaintiff was the shipper, owner and/or assured of the consignment hereinbelow described and brings this action on its own behalf and as agent and/or trustee on behalf of and for the interest of all parties who may be or become interested in the said consignment, as their respective interests may ultimately appear, and Plaintiff is entitled to maintain this action.

6. On or about September 6, 2006, a consignment consisting of 168 cartons Leather Sofas, laden into container TRLU 703198-9, then being in good order and condition, was delivered to defendant Mediterranean Shipping Company and the M/V DIEGO at the port of Naples, Italy, for transportation to the port of Savannah, Georgia, in consideration of an agreed freight pursuant to MSC bill of lading number MSCUG0715101, dated September 9, 2006.

7. Thereafter, the aforementioned consignment was loaded aboard the M/V DIEGO, MSC bill of lading numbers MSCUSG0715101 was issued, and the vessel sailed for the intended port of destination.

8. When the M/V DIEGO arrived at the intended port of destination, Savannah, Georgia on or about October 19, 2006, certain of the aforementioned consignment was found to be have sustained wetting damage and a hole was observed in the top of the container.

9. Defendant MSC failed to deliver the said consignment of Leather Sofas to the designated receiver at the port of discharge in the same good order and condition as when received by MSC in Naples, Italy.

10. The damage to the aforementioned consignment did not result from any act or omission on the part of plaintiff, but to the contrary, was the result in whole or in part, of the negligence and/or fault of defendant MSC and or the unseaworthiness of the M/V DIEGO.

11. By reason of the foregoing, plaintiff has sustained damages in a total amount of no less than \$30,500.00, as nearly as presently can be determined, no amount of which has been paid, although duly demanded.

WHEREFORE, Plaintiff prays:

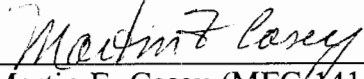
1. That process in due form of law may issue against Defendant citing it to appear and answer all and singular the matters aforesaid;

2. That judgment may be entered in favor of Plaintiff against Defendant for the amount of Plaintiff's damages, together with interest and costs and the disbursements of this action;

3. That this Court grant to Plaintiff such other and further relief as may be just and proper.

Dated: New York, New York  
August 13, 2007  
112-16

CASEY & BARNETT, LLC  
Attorneys for Plaintiff

By:   
Martin F. Casey (MFC/1415)  
317 Madison Avenue, 21<sup>st</sup> Floor  
New York, New York 10017  
(212) 286-0225